

REMARKS/ARGUMENTS

Applicants submit this Amendment, together with a Petition for Extension of Time, in reply to the Office Action mailed May 19, 2004.

In this Amendment, Applicants amend the title to reflect the preamble of independent claim 34. Applicants also cancel, without prejudice or disclaimer, claims 1 and 17-33 and add new claims 34-61 to better define the claimed invention.

Before entry of this Amendment, claims 1 and 17-33 were pending in this application. After entry of this Amendment, claims 34-61 are pending in the application.

The originally-filed specification, claims, abstract, and drawings fully support the amendment to the title and the addition of new claims 34-61. No new matter was introduced.

In the Office Action, the Examiner rejected claim 31 under 35 U.S.C. § 112, ¶ 2; rejected claims 32 and 33 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,090,464 to Kauzlarich et al. (“Kauzlarich”); and rejected claims 1 and 17-33 under 35 U.S.C. § 103(a) as being unpatentable over European Patent Application No. 0,244,121 (“EP ’121”) in view of Kauzlarich.

Right of Priority and Benefit

In the Preliminary Amendment filed with the application on October 1, 2001, Applicants indicated that the present application is a continuation of International Patent Application No. PCT/EP00/02665, filed March 27, 2000, in the European Patent Office. Applicants also claimed the benefit under 35 U.S.C. § 119(e) based on prior-filed, copending provisional application No. 60/134,665, filed May 18, 1999, in the U.S. Patent and Trademark Office (“USPTO”). However, the Office Action Summary (PTO-326) does not appear to acknowledge

either of these claims. Applicants respectfully request that the Examiner expressly acknowledge Applicants' claims to the right of priority and benefit in the next paper mailed from the USPTO.

Supplemental Information Disclosure Statement Under 37 C.F.R. § 1.97(b)

Applicants filed a Supplemental Information Disclosure Statement Under 37 C.F.R. § 1.97(b) ("SIDS") on January 2, 2002. Although the Office Action does not appear to acknowledge this filing, Applicants note that the Patent Application Information Retrieval System ("PAIR") indicates that such an SIDS was filed. Applicants respectfully request that the Examiner consider the document listed on the Form PTO 1449 filed with the SIDS and indicate that it was considered by making an appropriate notation on the Form PTO 1449.

Claim Rejections Under 35 U.S.C. § 112, ¶ 2

As discussed above, Applicants cancel, without prejudice or disclaimer, claims 1 and 17-33. Applicants submit that this cancellation obviates the rejection of claim 31 under 35 U.S.C. § 112, ¶ 2.

Claim Rejections Under 35 U.S.C. § 102(b)

As discussed above, Applicants cancel, without prejudice or disclaimer, claims 1 and 17-33. Applicants submit that this cancellation obviates the rejection of claims 32 and 33 under 35 U.S.C. § 102(b).

Claim Rejections Under 35 U.S.C. § 103(a)

As discussed above, Applicants cancel, without prejudice or disclaimer, claims 1 and 17-33. Applicants submit that this cancellation obviates the rejection of claims 1 and 17-33 under 35 U.S.C. § 103(a).

New Independent Claim 34

Applicants submit that new independent claim 34 is not anticipated by or unpatentable over the cited references, including Kauzlarich, EP '121, and the other art of record, at least because the cited references do not teach every aspect of claim 34 either explicitly or impliedly (taken alone) or teach or suggest all the limitations of claim 34 (taken alone or in any proper combination). Applicants note, for example, that the Office Action does not appear to address the recitations in claim 26, including the silicization phase, the silanization phase, the blend temperature during the silicization phase, or the blend temperature during the silanization phase.

New Dependent Claims 35-61

Applicants submit that new dependent claims 35-61 also are not anticipated by or unpatentable over the cited references, including Kauzlarich, EP '121, and the other art of record, at least due to the direct or indirect dependency of claims 35-61 from independent claim 34.

Claim Scope

In discussing the specification, claims, abstract, and drawings in this Amendment, it is to be understood that Applicants are in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicants believe that Applicants are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Summary

In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration and reexamination of this Application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.



Dated: September 8, 2004

By: _____

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